

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND (BALTIMORE)

IN RE:

SHEILA MAUREEN MCCABE

Debtor(s).

\* \* \* \* \*

CHRYSLER FINANCIAL SERVICES  
AMERICAS LLC

Movant

vs.

SHEILA MAUREEN MCCABE

and

SEAN C. LOGAN

Respondent(s).

\* \* \* \* \*

MOTION TO CONFIRM TERMINATION OF THE AUTOMATIC STAY

Chrysler Financial Services Americas LLC f/k/a DaimlerChrysler Financial Services Americas LLC ("CFS"), by its attorney, H. Tucker Dewey, and the law firm of Hale Dewey & Knight, PLLC, moves for confirmation that the automatic stay of 11 U.S.C. § 362 is terminated, and represents that:

1. This Court has jurisdiction over this core proceeding pursuant to 28 U.S.C. §§ 157 and 1334 and 11 U.S.C. §§ 361, 362, 363, and 521.

2. On April 4, 2010, Sheila Maureen McCabe ("Debtor") filed a Voluntary Petition under Chapter 7 of the Bankruptcy Code.

3. On January 24, 2005, the Debtor entered into a Simple Interest Retail Installment Contract ("Contract") for the purchase of a 2005 Jeep Liberty, VIN 1J4GL48KX5W602647 ("Vehicle"). The Contract was subsequently assigned to CFS for value and in good faith. A copy of the Contract is attached to and incorporated in this Motion.

4. CFS has a validly perfected, first priority, purchase money security interest in the Vehicle, as noted on the Notice of Security Interest Filing issued by the Maryland Motor Vehicle Administration. A copy of the Notice of Security Interest Filing is attached to and incorporated in this Motion.

5. On April 4, 2010, the Debtor filed a Statement of Intention stating that the debt is to be reaffirmed.

6. On April 13, 2010, counsel for CFS forwarded a Reaffirmation Agreement consistent with the terms of the Contract to counsel for the Debtor.

7. On May 13, 2010, the Debtor's Meeting of Creditors was held.

8. On May 24, 2010, the Chapter 7 Trustee filed a Report of No Distribution.

9. The Debtor has not redeemed the Vehicle or entered into a reaffirmation agreement with CFS.

10. CFS submits that the automatic stay is terminated with respect to the Vehicle and the Debtor, and that the Vehicle is no longer property of the bankruptcy estate pursuant to 11 U.S.C. § 362(h)(1). The Debtor failed to perform any intention to redeem or reaffirm within thirty (30) days after the first date set for the Meeting of Creditors in accordance with the requirements of 11 U.S.C. § 521(a)(2)(B).

11. CFS further submits that the automatic stay is terminated with respect to the Vehicle and the Debtor, and that the Vehicle is no longer property of the bankruptcy estate as

the Debtor failed to redeem or reaffirm within forty-five (45) days after the Debtor's first meeting of creditors in accordance with the requirements of 11 U.S.C. § 521(a)(6).

WHEREFORE, THE ABOVE PREMISES CONSIDERED, CFS requests that the Court enter an Order:

- (a) Confirming the termination of the automatic stay, and declaring that CFS is entitled to exercise all rights under state and/or federal law, which are not inconsistent with Title 11 of the United States Code; and
- (b) Granting such other and further relief as may be just and proper.

/s/ H. Tucker Dewey  
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HALE DEWEY & KNIGHT, PLLC

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY, that on this 7<sup>th</sup> day of July, 2010, a copy of the foregoing electronically filed Motion to Confirm Termination of the Automatic Stay was served on the parties listed below by first-class mail, postage-prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party.

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/s/ Carolyn Williams  
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